

REMARKS

Summary of Claim Amendments

Claim 4 is amended to address the rejection under 35 U.S.C. §112, second paragraph. Claims 1-14 remain pending in this application.

Therefore, no new matter is added through this amendment.

Summary of the Official Action

Claim 4 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that “the rare earth zeolite Y” lacks antecedent basis.

Claims 1-3 and 12-14 are rejected under 35 U.S.C. §102 (b) as anticipated by U.S. Patent No. 5,535,817 (“Dunne”). The Office Action essentially states that Dunne discloses all the recitations of the rejected claims. The Office Action further states that the recitation of claim 1 regarding the “differential thermal collapsed temperature” and “unit cell size” are inherently disclosed in Dunne. The Office Action also states that claims 12-14, although containing the recitation “reacting with gaseous silicon tetrachloride,” are product-by-process claims and anticipated by the product disclosed in Dunne.

Claims 1-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,787,123, the parent of the present application.

Response

Traversal of the rejection of claim 4 under 35 U.S.C. §112, second paragraph

Claim 4 has been amended to recite "a rare earth zeolite Y." Therefore, the rejection is moot.

Traversal of the rejection of claims 1-3 and 12-14 under 35 U.S.C. §102 (b) as anticipated by U.S. Patent No. 5,535,817 ("Dunne").

As the Examiner is well aware, in order to anticipate a claim, the cited document must disclose each and every recitation of the rejected claim. For reasons stated below, Applicants respectfully submit that Dunne fails to disclose all of the recitations of claims 1-3 and 12-14.

The present invention is directed to the treating of the rare earth-containing zeolite Y with gaseous silicon tetrachloride, a feature not disclosed in the art including Dunne as the Examiner recognizes correctly in the examination of the parent application (U.S. Application No. 10/132,911, issued as U.S. Patent No. 6,787,123). This novel process results in unique properties of the presently claimed invention that are not inherently present in products that were made without the reaction with gaseous silicon tetrachloride. In this respect, Applicants respectfully direct the Examiner's attention to Table 2 of the specification where the products of the present invention, designated as RGY-1, RGY-2, and RGY-4, have a unit cell size above 2.436 nm (also reflected in each of the rejected claims) under an aging condition of 800°C/17 hr, 100% steam. As a comparison, the comparative samples designated as DB-1, DB-2, and DB-3 in Table 2, without gaseous silicon tetrachloride treatment, have a unit cell size of less than

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2.436 nm under the same testing conditions. Because of this difference in products made by different methods, the recited property of "unit cell size" is not inherently disclosed in Dunne.

Therefore, the rejection should be withdrawn.

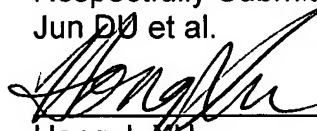
Response to the rejection of claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,787,123, the parent of the present application.

Without agreeing or commenting on the substantive rejection of the Office Action, Applicants are concurrently filing a duly executed Terminal Disclaimer. Therefore, this rejection is overcome.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to telephone the undersigned at the telephone number below.

Respectfully Submitted,
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